

UNITED STATES DISTRICT COURT
for the
District of Columbia

United States of America
v.

John Carl , (DOB: XXXXXXXXX)

Defendant(s)

) Case: 1:24-mj-00250
) Assigned to: Judge Faruqui, Zia M.
) Assign Date: 8/13/2024
) Description: COMPLAINT W/ ARREST WARRANT
)
)
)

REDACTED
CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 6, 2021 in the county of in the
in the District of Columbia , the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 231(a)(3)- Civil Disorder,
18 U.S.C. § 1752(a)(1)- Entering and Remaining in a Restricted Building or Grounds,
18 U.S.C. § 1752(a)(2)- Disorderly and Disruptive Conduct in a Restricted Building or Grounds,
40 U.S.C. § 5104(e)(2)(D)- Disorderly Conduct in a Capitol Building,
40 U.S.C. § 5104(e)(2)(G)- Parading, Picketing, and Demonstrating in a Capitol Building.

This criminal complaint is based on these facts:

See attached statement of facts.

☒ Continued on the attached sheet.

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1
by telephone.

Date: 08/13/2024

City and state: Washington, D.C.



Zia M. Faruqui

Judge's signature

Zia M. Faruqui, U.S. Magistrate Judge

Printed name and title

STATEMENT OF FACTS

Your affiant, [REDACTED] is a Task Force Officer assigned to the Federal Bureau of Investigation ("FBI") Newark Field Office, Joint Terrorism Task Force, under whose authority I was sworn in by the US Department of Justice as a Special Deputy U.S. Marshal, charged with the duties of investigating violations of Federal Law. My employing agency is the Jersey City Police Department where I hold the rank of Sergeant. In my duties as a Task Force Officer, I have led and/or participated in a number of National Security investigations related to both Domestic and International Terrorism. I have completed training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, and various other criminal laws and procedures. Among other matters, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Task Force Officer, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police ("USCP"). Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by USCP. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. EST. Shortly thereafter, by approximately 1:30 p.m. EST, the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and USCP were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the USCP attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the USCP, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. EST members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice

President Mike Pence, were instructed to and did evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. EST. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

On 1/25/2021 the FBI Newark Field Office received information that on 1/9/2021, at approximately 9:00 a.m., Eastern Time,

submitted an online tip to the FBI National Threat Operations Center (NTOC) via www.fbi.gov to report himself as a participant in the riots at the U.S. Capitol on 1/6/2021. Within the tip, admitted to trespassing and entering the Capitol building.

The tip stated, "I was a trespasser/observer in the back of the building (sic). I would plead guilty to trespass or what ever (sic) crimes i committed to offer a full statement (sic) of what i saw. If you tell me which office to go to i will come down voluntarily. I think something fishy was going on and the sooner we get to the bottom of it the better I can come today or as soon as you are available. Thank you for your service."

The tip listed "smashing windows" and "pushing over barricades" as other crimes that occurred.

On January 25, 2021, after receiving predicated information, Special Agent Brian Papke and Task Force Officer Matthew Scalcione conducted a recorded non-custodial interview of

During the interview, confirmed that, on January 9, he personally submitted the online tip to NTOC, reporting himself as a participant in the riots at the Capitol on January 6. He further confirmed that the details provided in the tip were truthful and he did enter the Capitol. told SA Papke and TFO Scalcione the following:

on January 5, 2021 to Wilson, North Carolina to pick up his friend, John CARL, whom he knew through past and present business dealings. and CARL then traveled to Washington, D.C. where they stayed at a hotel booked under name.

On January 6, and CARL walked to the rally near the White House where then-President Donald Trump was scheduled to speak. and CARL then walked to the Capitol. Upon arrival, they saw temporary fencing that had been pushed over, allowing them

access to areas believed were not intended to be accessible. and CARL made their way up the stairs to the Capitol building where observed other people breaking windows and entering the building through those windows. A person from inside the building then opened a door near him.

confirmed that both he and CARL entered the Capitol with many others. He knew at that time that his entry was unlawful and that he was committing the crime of trespass. estimated that he did not go far inside the Capitol and remained for approximately thirty minutes. During that time, CARL went further into the building and returned saying that there were police officers further inside denying entry deeper into the building. CARL then exited the building using the same door through which they entered.

At various points in the interview, voluntarily showed pictures that he had taken during the event on his cell phone and permitted SA Papke to take pictures of the images as displayed on his phone. *See Image 1.* stated that he had a limited number of photos as his phone's battery died shortly after he arrived at the Capitol.

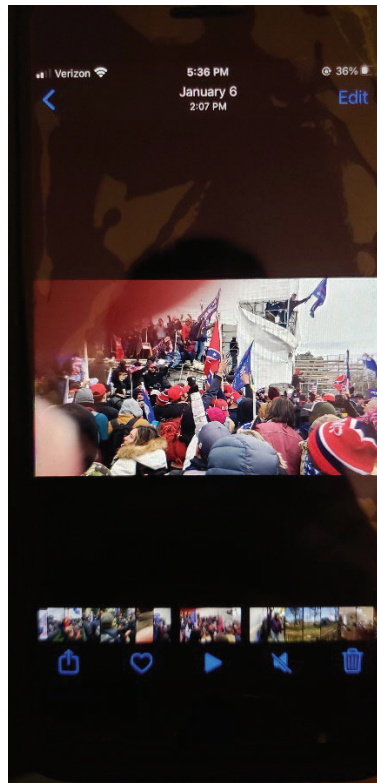


Image 1 – Example of a picture of the Capitol Riot taken by

The following day, SA Papke received an e-mail from e-mail address: wrote, "Thank you for coming out. I hope I was able to help a little bit. Happy to plead guilty for what ever (sic) crimes I committed."

February 9 Interview

On February 9, 2021, [REDACTED] presented himself at Federal Bureau of Investigation, 11 Centre Place, Newark, NJ, 07102 and again participated in a recorded non-custodial interview with SA Papke and TFO Scalcione.

During the interview, [REDACTED] presented the jacket that he wore on January 6 during the Capitol Riot. *See Image 2.* [REDACTED] indicated that the jacket was in the same state as it had been on January 6 and had not been laundered. He stated that the visible white stains were the result of milk that was being poured into the eyes of persons unknown to him who had been exposed to a chemical irritant spray after [REDACTED] exited the Capitol Building.



Image 2 – [REDACTED] from January 6

Interview of John CARL

On February 17, 2021, FBI Agents interviewed CARL. CARL acknowledged being a friend of [REDACTED] and traveling with him before and after the Capitol Riot. CARL admitted to entering the Capitol Building and provided details of his participation in the riot. CARL also identified himself and [REDACTED] from footage recorded in the Capitol. CARL also provided the agents with footage he had recorded while at the Capitol on January 6, 2021.

Image 3, below, is a photo taken by CARL at the Capitol in which he identified himself and CARL wore a burgundy coat with black trim and has a medium complexion with dark hair and beard. CARL is on the left and is on the right.



Image 3 – Photograph which CARL took and in which he identified himself (left) and

CARL described his experience at the Capitol and stated: “There were people pushing back and forth, you know, you know, we’re pushing and then they get back into the building.” CARL went on to state, “on our side, there wasn’t a whole lot of like swinging or throwing ... it was just you know guys putting their shoulder in and the police with their shields pushing back on the crowd.” CARL advised he took a video that captured his location relative to rioters attempting to enter the Capitol Building. In the video, rioters were physically pushing against law enforcement officers securing an entrance to the building. CARL’s position was at or very near the front of the rioters. *See Image 4, below.*

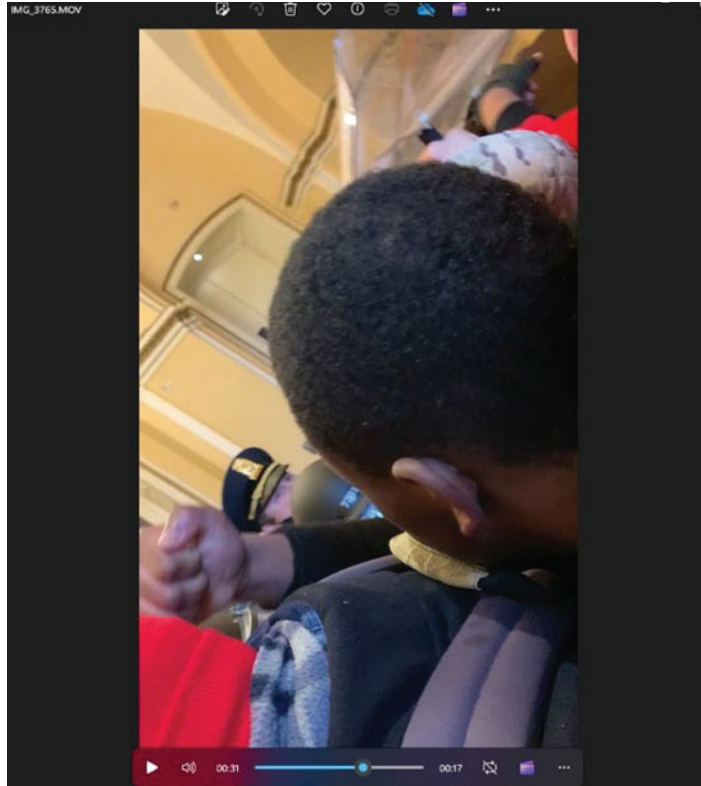


Image 4 – Screenshot from video that CARL took showing confrontation with officers at the Senate Wing Door

Last Interview

On June 16, 2021, [REDACTED] again participated in a recorded non-custodial interview with SA Papke and TFO Scalcione. During the interview, [REDACTED] was shown images of individuals matching the description of [REDACTED] and CARL taken from D.C. Metropolitan Police (“MPD”) body worn cameras (“BWC”). *See Image 6*, below. [REDACTED] believed that the individual in the blue Carhart jacket was himself and the individual in the maroon and grey jacket was CARL.

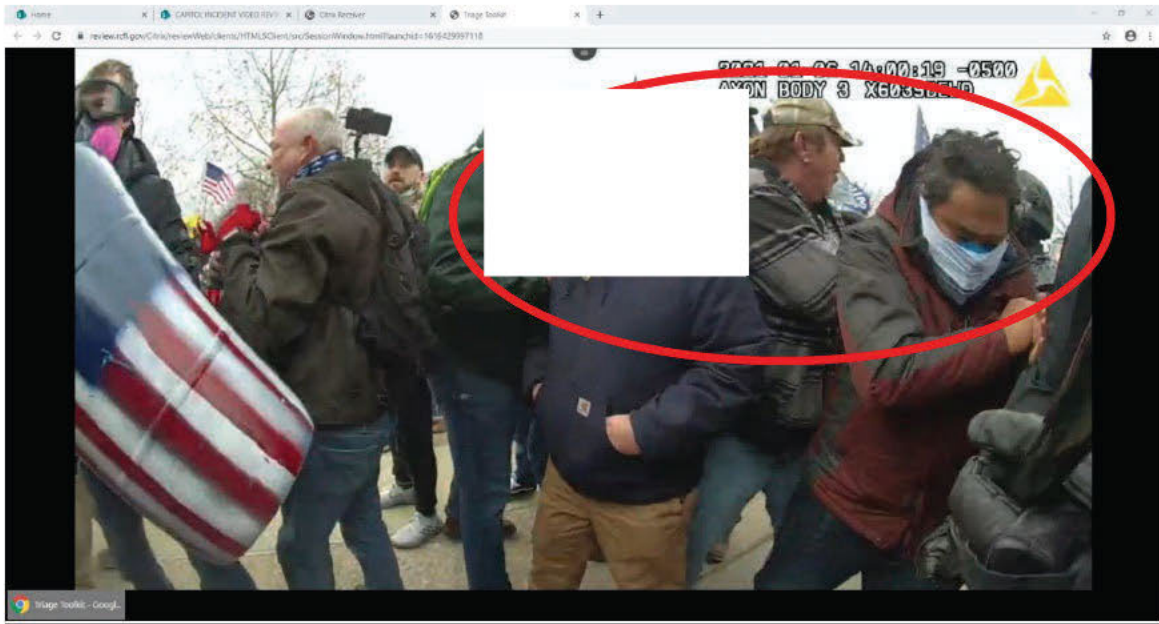


Image 5 – Screenshot from MPD BWC in which [redacted] identified himself (left) and CARL (right) outside the Capitol, wearing masks

CARL's conduct outside the Capitol

On January 6, 2021, around 2 p.m., CARL and [redacted] stood in the front line of rioters confronting MPD officers near the NW scaffold stairs on the West Front of the Capitol. These officers wore riot gear and were attempting to move through the crowd to join other officers defending the Lower West Terrace. When rioters closed in on them, these officers became surrounded. CARL joined other aggressive rioters and held his ground against officers attempting to move him back. Instead of heeding officers' commands to "move back," CARL raised his arms to push back against officers' attempts to move him, and CARL grabbed an officer's arm and baton. *See Images 6-8, below.*



Image 6 – CARL turns to confront the MPD officer



Image 7 – Five seconds later, CARL pushes against the officer's arm and baton

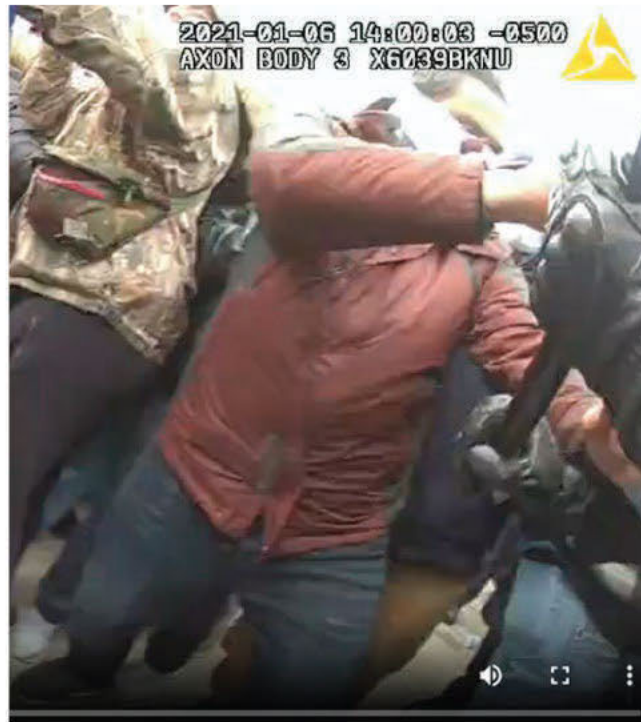


Image 8 – CARL pushed back against the officer with both arms extended

CARL's actions inside the Capitol Building

After this physical confrontation with officers in riot gear at 2 p.m., the defendants entered the Capitol Building through the Senate Wing Door around 3:05 p.m.

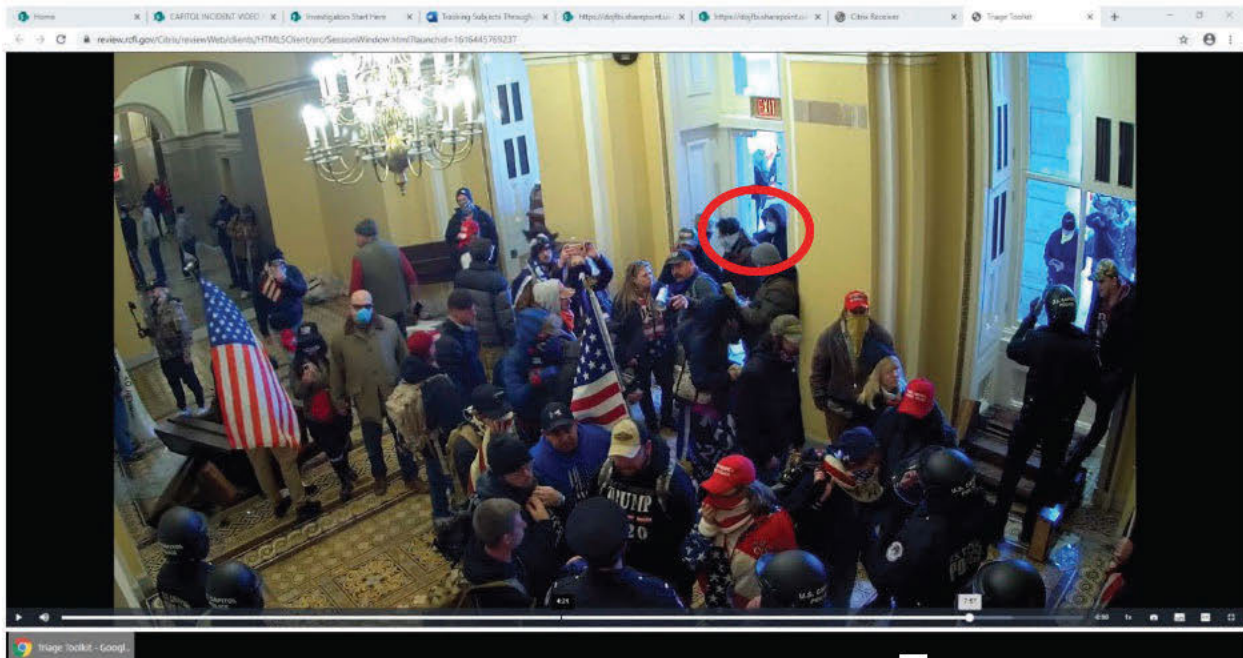


Image 9 – Screenshot from USCP surveillance showing CARL and [redacted] entering the Capitol around 3:05 p.m.

They appear to enter Senator Merkley's office off the left side of Image 9. Then CARL proceeds down the hallway, while [REDACTED] near the Senate Wing Door.

Based on the foregoing, your affiant submits that there is probable cause to believe that CARL violated 18 U.S.C. § 231(a)(3), which makes it unlawful to commit or attempt to commit any act to obstruct, impede, or interfere with any fireman or law enforcement officer lawfully engaged in the lawful performance of his official duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce or the movement of any article or commodity in commerce or the conduct or performance of any federally protected function. For purposes of Section 231 of Title 18, a federally protected function means any function, operation, or action carried out, under the laws of the United States, by any department, agency, or instrumentality of the United States or by an officer or employee thereof. This includes the Joint Session of Congress where the Senate and House count Electoral College votes.

Your affiant submits that there is also probable cause to believe that [REDACTED] and CARL violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that [REDACTED] and CARL violated 40 U.S.C. §§ 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 13th day of August 2024.



Zia M.
Faruqui

The Honorable Zia M. Faruqui
U.S. MAGISTRATE JUDGE